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REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-57 were rejected under 35 U.S.C. § 102(b) as having been anticipated by U.S. Patent No. 6,701,514 to Haswell et al. (hereinafter "Haswell"). Respectfully, applicants traverse the rejections, and submit that the claims are allowable over the references cited for the reasons explained in detail below.

In the interest of reducing the issues to be considered in this response, the following remarks focus principally on the patentability of independent claims 1, 16, 28, and 43. The patentability of each of the dependent claims is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the conclusions set forth in the Office Action that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment set forth in the Office Action, should not be considered as an admission that applicants concur with the interpretation and assertions presented in the Office Action regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Applicants respectfully assert that claims 1, 16, 28, and 43 as amended, are patentable over the reference cited. Haswell fails to teach, let alone suggest, each of the elements recited by claims 1, 16, 28, and 43 as amended.

1 In general, applicants submit that claims 1, 16, 28, and 43 as amended are
2 qualitatively distinguishable from the cited reference for at least two reasons. For
3 example, claim 1 as amended is reproduced here:

4 1. (Currently Amended) A computer-implemented method
5 for generating a test plan document for governing adherence with
6 project specifications, the method comprising:
7 transferring project specifications from a verification
8 matrix database to a test plan database;
9 storing in a test plan database a plurality of verification
10 activities for monitoring adherence with project
11 specifications;
12 entering references to the project specifications into the
13 test plan database;
14 providing access to the test plan database to a plurality of
15 users;
16 updating the test plan database based on input from the
17 plurality of users; and
18 generating a test plan document by extracting listing at
19 least one of the verification activities stored from the
20 test plan database and listing the at least one of the
21 verification activities in the test plan document.

22 By contrast, the cited reference to Haswell describes a database for
23 maintaining a central store of test scripts that can be used to test software:

24 A system, method, and article of manufacture are provided
25 for affording test maintenance in an automated scripting framework.
First, *a plurality of scripts are developed*. Then, *the plurality of
scripts are stored in a central database*. A user is then allowed to
edit a specific test script located on the centrally located database.
Finally, the user edits to the specific test script *are propagated to
each of the plurality of test scripts*.

(Haswell; Abstract, Page 1, and Summary of the Invention, Column 3, Lines 15-
22; emphasis added). As described by Haswell, test scripts are sets of simulated
user input employed to test an application. For example, Haswell describes
placing an application being tested “into a specific state using either pre-recorded

1 keyboard or mouse device actions, or entering input through a *test script*.”
2 (Haswell, Column 2, Lines 3-5; emphasis added).

3 Even more specifically, Haswell describes a system for storing, modifying,
4 and applying such software scripts:

5 *The present invention provides data-driven test scripts* with an
6 English-based, form-driven user interface. The present invention
7 data architecture divides and stores test script information (steps,
8 actions, application widgets, etc.) into separate, reusable
9 components. *The table relationships between these components*
10 *provide the capability to develop easily maintained, data-driven test*
11 *scenarios*.

12 (Haswell, Column 7, Lines 46-52; emphasis added).

13 Again, applicants submit that what is recited by claims 1, 16, 28, and 43 is
14 distinguishable from the cited reference for at least three general reasons, in
15 addition to other specific reasons described below with regard to each of these
16 claims. First, Haswell describes a collection of test scripts from which individual
17 scripts are selected or used as a basis for a revised script. In other words, by
18 analogy, Haswell is like a toolbox from which persons testing software can draw
19 different test scripts to test the software; the test scripts are the tools applied to the
20 software to determine if the software can withstand the actions manifested in the
21 test scripts. By contrast, what is recited in claim 1 is a method for generating a
22 test plan document which is performed, in part, by “generating a test plan
23 document by extracting listing at least one of the verification activities stored from
24 the test plan database and listing the at least one of the verification activities in the
25 test plan document.” Thus, claim 1 recites generating a test plan document that
describes, overall, one or more verification activities the object of the test plan
document must withstand. Thus, while what is claimed refers to the generation of

1 the test plan, the cited reference describes only a source of testing tools for testing
2 some aspect of a software system.

3 Second, Haswell describes a deductive process, while what is recited in the
4 claims is an inductive process. As previously recounted, Haswell provides a
5 database of test scripts that a user modifies for a particular purpose; the modified
6 script may then be propagated (*See* Haswell; Abstract, Page 1, and Summary of
7 the Invention, Column 3, Lines 15-22). In other words, Haswell provides a system
8 for providing a set of baseline test scripts that may serve as the basis for other,
9 modified test scripts; from one test script, there may be many test scripts.

10 By contrast, what is claimed recites an inductive process in which “a
11 plurality of users” have access for “updating the test plan database,” and from the
12 test plan database, “a test plan document” is generated. Thus, while Haswell
13 describes a repository of baseline, modifiable scripts that may diverge into a
14 further multitude of scripts, what is recited in the claims describes users accessing
15 a single database to contribute to a single test plan document. Accordingly, the
16 cited reference teaches a divergent process that is qualitatively different from what
17 is recited in the claims.

18 Third, Haswell not only does not disclose generating a test plan document,
19 but it is not capable of generating a test plan document. As previously described,
20 Haswell describes maintaining a database of test scripts. From such a database, a
21 listing or collection of test scripts can be derived. However, because Haswell does
22 not disclose or contemplate a test plan database, Haswell does not describe a basis
23 from which a test plan document possibly can be generated. With great respect,
24 by analogy, Haswell generating a test plan document from a collection of test
25 scripts simulating user inputs to a program would be like a person generating a

1 personal tax return from a database recording all the bank checks that person has
2 written. The check database may relate to the same general object – personal
3 finances – but it will not include other types of information, from filing status to
4 dependents to deductions that are needed to generate the tax return document.
5 Accordingly, Haswell fails to teach or suggest a system that could anticipate what
6 is recited in the independent claims.

7 Beyond the general differences, the cited reference fails to teach each and
8 every element recited by claims 1, 16, 28 and 43 as amended, thus, the cited
9 reference fails to anticipate the claims. First, claim 1 as amended recites, for
10 example, at least five elements that are neither taught, nor even suggested, by the
11 cited reference.

12 First, claim 1 recites a “computer-implemented method for generating a test
13 plan document.” By contrast, the only references to generating a test plan in
14 Haswell are incidental efforts manually created by individuals. The Office Action
15 relies on Column 2, Lines 22-53 for support that Haswell describes this element.
16 However, this passage of Haswell only describes that “software testing is a critical
17 phase in the software development process” that is either performed by manual
18 tested or by automating test processes. There is no mention of the generation of a
19 test plan document. Moreover, the only mention of generating a test plan
20 document applicants found clearly describes a manual process: “System test *team*
21 reviews user requirements and prepares validation or test plan.” (Haswell,
22 Column 59, Lines 51-52; emphasis added). Nothing in Haswell describes a
23 computer-implemented method for generating a test plan document as recited by
24 claim 1.
25

1 Second, respectfully, while Haswell describes a database of test scripts, the
2 collection of test scripts stored in Haswell's database does not constitute a test
3 *plan* database. As previously described, Haswell describes a database storing
4 testing tools in a database, but does not describe a database that includes a test
5 plan.

6 Third, claim 1 as amended fails to recite "transferring the project
7 specifications from a verification matrix database to the test plan database." In
8 fact, with all due respect to the Office Action's rejection of claim 3, from which
9 this element of claim 1 as amended is derived, the cited reference makes no
10 mention of a verification matrix database. As a result, with no verification matrix
11 database described or even contemplated by Haswell, there can be no transferring
12 of the project specifications from the verification matrix database to the test plan
13 database as recited by claim 1 as amended.

14 Fourth, "generating a test plan document by extracting listing at least one of
15 the verification activities stored from the test plan database and listing the at least
16 one of the verification activities in the test plan document" as recited by claim 1 as
17 amended also is neither taught nor suggested by the cited reference." Again,
18 Haswell is not directed to generating a test plan, but instead is directed to
19 maintaining a library of test scripts. Moreover, the scripts stored in the system
20 described by Haswell are not verification activities that may be listed in a test plan
21 document, but are sets of simulated user input for testing software. Thus, for these
22 specific reasons, as well as for the general reasons previously stated, Haswell fails
23 to anticipate what is recited by claim 1.

24 The cited reference also fails to anticipate what is recited by claim 16 as
25 amended. Applicants submit that claim 16 as amended is patentable over the

reference cited for all of the reasons previously described. Furthermore, claim 16 is not anticipated by the cited reference for at least two additional reasons. Claim 16 as amended is reproduced here for convenience:

16. (Currently Amended) A computer-implemented method for generating a test plan document for governing adherence with project specifications, the method comprising:
coupling a verification matrix database to a test plan database;
transferring the project specifications from the verification matrix database to the test plan database;
storing in a test plan database a plurality of verification activities for monitoring adherence with project specifications;
entering references to the project specifications into the test plan database;
associating each of the verification activities with at least one of the project specifications;
providing access to the test plan database to a plurality of users;
providing a user-selectable attribute assignable to the verification activities;
providing a predetermined range of values for the user-selectable attribute
receiving input from at least one of the plurality of users, the input being associated with at least one of the verification activities;
updating the test plan database based on the input; and
generating a test plan document by extracting listing at least one of the verification activities stored from the test plan database and inserting at least one of the verification activities in the test plan document.

First, the cited reference neither teaches nor suggests “coupling a verification matrix database to the test plan database” as recited by claim 16 as amended. With respect for the Office Action’s reliance on column 172, lines 65-67, and column 173, lines 1-17, the cited reference fails to describe a verification matrix database. The cited passages describe a process for testing the function of software modules “when assembled into dialogs or batch processes and to verify that the interfaces have been appropriately implemented.” The cited passages describe specific considerations observed in the assembly test, such as test

1 objectives, and metrics, but there is no mention or implication of a “verification
2 matrix database,” or coupling such a verification matrix database to the test plan
3 database. Accordingly, because the cited reference fails to disclose this element,
4 the cited reference fails to anticipate claim 16 as amended.

5 Second, claim 16 as amended also recites for “a user-selectable attribute
6 assignable to the verification activities,” and “providing a predetermined range of
7 values for the user-selectable attribute.” This element recited by claim 16 as
8 amended is analogous to what is recited in claim 8, on which the Office Action
9 relies on Column 15, Lines 18-30, and Column 16, Lines 26-35 for support that
10 Haswell discloses this element. However, these passages recite no such limitation.
11 The cited passages mention “criteria” and “relationships” between test scripts that
12 users may revise to suit their own ends. Respectfully, calling a test script of
13 simulated user input a “user-selectable attribute” is a strained reading of that
14 phrase. Moreover, for the sake of discussion, if a test script even could be
15 considered “a user-selectable selectable attribute, nonetheless, there is no mention
16 in the cited passages, or anywhere else in Haswell, of any predetermined range
17 that specifies a predetermined range of such an attribute. Thus, for these specific
18 reasons, as well as for the general reasons previously stated, Haswell fails to
19 anticipate what is recited by claim 16.

20 The cited reference also fails to anticipate what is recited by claim 28 as
21 amended. Applicants submit that claim 28 as amended is patentable over the
22 reference cited for all of the general reasons previously described. Claim 28 as
23 amended is reproduced here for convenience:
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28.(Currently Amended) A computer-readable medium for generating a test plan document for governing adherence with project specifications, the computer-readable medium comprising:

first computer program code means for providing a test plan database storing a plurality of verification activities for monitoring adherence with project specifications, wherein the first computer program receives the project specifications from a database storing the project specifications;

second computer program code means for entering references to the project specifications into the test plan database;

third computer program code means for providing access to the test plan database to a plurality of users;

fourth computer program code means for updating the test plan database based on input from the plurality of users; and

fifth computer program code means for generating a test plan document listing at least one of the verification activities stored from the test plan database.

Applicants reincorporate the general reasons previously described with regard to the shortcomings of the cited reference in describing what is recited in claim 28 as amended. Moreover, Haswell fails to disclose each and every element of claim 28 as amended for two additional reasons.

First, Haswell fails to recite a program code means that receives project specifications from a database storing the project specifications. Again, the database described by Haswell includes a plurality of test scripts; it discloses neither a test plan database nor a database of project specifications. Moreover, because these databases are not contemplated, there is no possible way for Haswell's system to cause entries from one database to be received by another database through program code means or otherwise.

Second, applicants wish to emphasize that claim 28 as amended recites program code means for generating a test plan document. As previously described, Haswell makes passing reference to humans, or teams of humans, considering or consulting a test plan, but there is no description of program code

1 means operable to generate a test plan document. Accordingly, for the foregoing
2 general reasons and these specific reasons, Haswell fails to anticipate what is
3 recited by claim 28.

4 The cited reference also fails to anticipate what is recited by claim 43 as
5 amended. Applicants submit that claim 43 as amended is patentable over the
6 reference cited for all of the general reasons previously described. Claim 43 as
7 amended is reproduced here for convenience:

8 43. (Currently Amended) A system for generating a
9 test plan document for governing adherence with project
specifications, the system comprising:
10 a test plan database configured to store a plurality of
verification activities for monitoring adherence with
project specifications;
11 a specification entry system configured to enter references
to the project specifications into the test plan database;
12 at least one data entry device configured to allow access to
the test plan database by a plurality of users; and
13 a test plan generator coupled with the test plan database
14 configured to generate a test plan document listing at
least one of the verification activities stored from the
15 test plan database.

16 Applicants reincorporate the general reasons previously described with regard to
17 the shortcomings of the cited reference in describing what is recited in claim 43 as
18 amended. Moreover, Haswell fails to disclose each and every element of claim 43
19 as amended for three additional reasons.

20 First, the Office Action reincorporates its reasons with regard to the
21 rejection of other claims in rejecting claim 43. However, applicants respectfully
22 note that the other claims do not recite “a specification entry system” as recited by
23 claim 43 as amended. Because this element is nowhere recited in the cited
24 reference, Haswell cannot anticipate this element of claim 43 as amended.
25

1 Second, once more applicants wish to emphasize that Haswell's failure to
2 describe a test *plan* database as recited in claim 43, as well as in the other
3 independent claims.

4 Third, Haswell fails to describe a test plan generator. As previously
5 mentioned, the only references by Haswell to a test plan are those alluding to
6 human personnel consulting or considering such a plan. Nowhere does Haswell
7 describe a generator operable to generate a test plan document, let alone one that is
8 coupled with a test plan database as recited in claim 43 as amended. Accordingly,
9 for the foregoing general reasons and these specific reasons, Haswell fails to
10 anticipate what is recited by claim 28.

11 Claims 2, 4-15, 18-27, 29-42, and 44-57 from and add additional
12 limitations to respective independent claims previously described. Accordingly,
13 these dependent claims are patentable for at least the same reasons as the claims
14 from which each of them depends.

15 Applicants wish to note that, in addition to these grounds for allowance of
16 the dependent claims, claim 10, 22, 37, and 52 are further allowable because the
17 Office Action failed to distinctly point out a basis for rejecting these claims. In
18 rejecting claim 10, the Office Action states that Haswell discloses that
19 "verification activities are sortable by the user-selectable attribute." However, the
20 Office Action cites no support in the cited reference for such disclosure.
21 Moreover, applicants' review of the cited reference finds no such support for
22 sorting verification activities in such a manner. Thus, in addition to the
23 patentability of these claims based on the patentability of the claims from which
24 they depend, applicants submit that claims 10, 22, 37, and 52 are not anticipated
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1 by the cited reference, and are further allowable over the cited reference for this
2 reason.

3
4 CONCLUSION

5 Applicants respectfully submit that Claims 1-2, 4-16, 18-19 and 20-57 are
6 in condition for allowance. Applicants respectfully request entry of the
7 amendment, as well as consideration and prompt allowance of the claims. If any
8 issue remains unresolved that would prevent allowance of this case, the Examiner
9 is requested to contact the undersigned attorney to resolve the issue.

10
11 Respectfully Submitted,

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13 Dated: 6-21-2006

14 By: 

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